

FILED
FEB 27 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 **COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C § 1983**2 Name WYMAN DWIGHT EARL

3 (Last)

(First)

(Initial)

4 Prisoner Number CDT 47472 # ULF 4005 Institutional Address ALAMED COUNTY SHERIFF OFFICE7 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**8 DWIGHT EARL WYMAN CV 08 1158

(Enter the full name of plaintiff in this action.)

9 Case No. _____
(To be provided by the Clerk of Court)10 COMPLAINT UNDER THE
11 CIVIL RIGHTS ACT,
12 Title 42 U.S.C § 198313 Parole office14 Complainant Farley William15 other Parole officers16 CDC California

(Enter the full name of the defendant(s) in this action)

17 *All questions on this complaint form must be answered in order for your action to proceed..*

18 I. Exhaustion of Administrative Remedies.

19 [Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

20 A. Place of present confinement ALAMED COUNTY SHERIFF OFFICE21 B. Is there a grievance procedure in this institution? 602 Santa Rita Jail22 YES NO 23 C. Did you present the facts in your complaint for review through the grievance procedure? 60224 YES NO

25 D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

008-1158 Pmw

- 1 1. Informal appeal _____
2
3
4 2. First formal level _____
5
6
7 3. Second formal level _____
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9
10 4. Third formal level _____
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13 E. Is the last level to which you appealed the highest level of appeal available to
14 you?

15 YES () NO (X)

16 F. If you did not present your claim for review through the grievance procedure,
17 explain why. I did but it will take the 602 to
18 long to get back to me. I am at the time
19 limited of 6 months is at this months

20 II. Parties.

21 A. Write your name and your present address. Do the same for additional plaintiffs,
22 if any.

23 DWIGHT EARL WYMAN #¹⁴⁵⁴⁰ might be moving
24 5325 BRODER BLVD Soon to prison than
25 DUBLIN CA 94568 home both address

26 B. Write the full name of each defendant, his or her official position, and his or her
27 place of employment.

28 Parole office in San Jose off of Coleman Ave

1 Cona Phan
2 Farley William In the same office to the
3 left of Farley William there was Parole officer.
4 I Didn't know his full name

5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
9 separate numbered paragraph.

10 11-28-06 I was arrested for Drug poss i was offer
11 Drug treatment Class in Dec/06 in the lower courts.
12 Santa Clara County Dept (or I also had violation I
13 was on Parole My Parole officer C.Phan told lower
14 Court that i couldn't do the Drug treatment Class
15 because i had a misconduct so when i went to the
16 higher courts they offer me 5 years for poss for
17 Sales until the lab result come weight 0.02
18 of cocaine so they send me back to Dept 63 to
19 try the Drug treatment Class again but Parole
20 officer was still saying misconduct so the
21 (BPH) hearing i had in Dec/06 offer me 10 months
22 withs a time i said no i went back to the higher

23 IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 The Misconduct was Fraud and prove in Court
27 I was ELIGIBLE For the program the first time
28 Drug poss in the lower court Dept 63 in Dec/06 el/08

2g2 11. Parties (A)
around *DWIGHT B WYMAN #74742
end Fed San Quetin STATE PRISON (CDC)
Bogging murch

* home Dwight Wyman
march 978 Coffey Cff
30,08 SAN JOSE CA 95123

IV RELIEF

Will bring me all the way back to July 23, 07
Any violation after that day i done with no charge
I should be pay for and my loss property, pain and suffering,
false imprisonment mental stress, and officers name
I don't know are in this law Suite I want my housing
appointment Section 8 that i loss because of being in
jail i couldn't make the appointment on Dec 07, 06
and Jan 07 i have been waiting for 8 years on that list
I also loss a bike, and clothes, jewels 8-1-07 when the
Police officers Cona Phan and Farley William arrest
me and wouldn't let me get my stuff that was
right there I was release (cop) within a week and
it was not my fault but loss property and
loss wage to \$20 HR and overtime to \$30 HR from 11-28-06

To Show 8 months off the end of my Discharge Date
March 30, 08 And any violation after July 23, 07 i want
to be for all those days i was incarceration

March 30

February 28

January 31

December 31

November 30

October 30

September 30

August 30 = right now 233 Days

July 23, 07 = 7 more 240 Days

Violations after Date

8-1-07 = 7 Days (cop)

8-24-07 = 87 Days release 11-20-07

12-05-07 = 116 Days March 30, 08

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III Statement of Claim

Courts same (DA) LEE offer me year county jail he wouldn't give me the Drug treatment Class because of my Parole Officer Cona Phan fakes evidence that he told the (DA) LEE and my lawyer Barbara Muller I had misconduct so i try go back to the (BPH) in Jan/07 because of the false evidence that my Parole Officer Cona Phan kept giving them it was Denied Drug treatment Class again So i end up taking the year in the County jail because at that time couldn't prove it was false evidence The (DA) LEE want to take my credits give it toward my Violation and make me do the full year with no credits towards it because of the false evidence the Parole officer was saying which is called a misconduct of violation for not registering for 290 at my father house and not reporting to the Parole office when i was release from prison on the 11-14-06 he said i didn't show up on 11-15-06 at the Parole office On July 20, 07 i Went to Court to fight for my credits the (DA) LEE and Parole officer Cona Phan trying to take away my credits from me in Dept 30 or 31 Santa Clara County Superior Court Judge Cunningham my Lawyer Barbara Muller show so much Strong evidence of i had register at my father house there was a envelope not open from the Police Dept with the register card inside of the envelope and the date show on it when it was mailed on the inside register card show the date

Pg 3

III Statement of Claim

I register on within 5 Days of me being released from prison and I had evidence showing that i did show up at the Parole office the next day i got release from prison i had a print out paper that i got from the officer of the day at the parole office because my Parole officer Cona Phan went on vacation on the 11-15-06 which was the next day after i got out of prison gave me a print out paper which came from Cona Phan Computer with 6 instructions list for me to follow with the date on it to and i did everything on that list

This is why i am Suing the Parole officer Cona Phan was the one that committed the misconduct by giving false evidence to the lower court and the (SPH) hearing and the (DA) and the Judge Cunningham, Santa Clara Superior Court and it was prove in court on July 20, 08 and stop me from getting the drug treatment class and being release in Dec/06 and i wouldnt be here asking to you to punish Defendant in the Complaint

1 been release in Dec/06 to go to Drug
2 treatment class
3 Would have 8 months off the month's I did in the
4 County jail should be take off the end of my parole
5 which is my discharge date that is March 30, 08
6 8 months should come off which is 240 days that

7 I declare under penalty of perjury that the foregoing is true and correct.

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Signed this 17 day of February, 2008

Dwight Wynn

(Plaintiff's signature)

PLD-PI-001(3)

SHORT TITLE:	CASE NUMBER
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CAUSE OF ACTION—Intentional Tort **Page** _____
 (number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): *Dwight Wymore*

alleges that defendant (name):

Cana Phan Parole officer

Does _____ to _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): *11-28-06*

at (place):

(description of reasons for liability):

C. Phan said there misconduct and there never was one in the first places and he knew this to do more time Jail time loss of wage from 20 HR overtime 30 HR loss housing opplantment Section 8 loss job that 29,60 HR loss property Clothing & jewels mental stress, false imprisonment

PLD-PI-001(6)

SHORT TITLE:	CASE NUMBER:
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Exemplary Damages Attachment

Page _____

ATTACHMENT TO Complaint Cross - Complaint

EX-1. As additional damages against defendant (name):

Plaintiff alleges defendant was guilty of

- malice
- fraud
- oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

EX-3. The amount of exemplary damages sought is

- a. not shown, pursuant to Code of Civil Procedure section 425.10.
- b. \$

Page 1 of 1

PLD-PI-001(2)

SHORT TITLE:	CASE NUMBER:
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CAUSE OF ACTION—General Negligence

Page _____

(number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name):

alleges that defendant (name):

 Does _____ to _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date):

at (place):

(description of reasons for liability):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

FOR COURT USE ONLY

DWIGHT E WYMAN
 978 Coffey Ct San Jose CA 95123
 TELEPHONE NO: (408) 469-8934 (408) 263-7856
 ATTORNEY FOR (Name):
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara
 STREET ADDRESS: N First Street
 MAILING ADDRESS: 191
 CITY AND ZIP CODE: San Jose CA 95113
 BRANCH NAME:

CASE NAME: DWIGHT E WYMAN

CIVIL CASE COVER SHEET		Complex Case Designation	CASE NUMBER:
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Real Property	Insurance coverage claims arising from the above listed provisionally complex case types (41)
<input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment
Non-PI/PD/WD (Other) Tort	Unlawful Detainer	<input type="checkbox"/> Enforcement of judgment (20)
<input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	<input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input checked="" type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint
Employment	Judicial Review	<input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<input type="checkbox"/> Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date:

DWIGHT E WYMAN
(TYPE OR PRINT NAME)DWIGHT E WYMAN
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

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Judge

CV 08

1158

Feb 17, 08

RMW

All the evidence to this case PR
IS at the address at the bottom
of this paper I have been trying
to get but they just will not
those court papers to me I
like a court order for to give
them to me Please

Public Defender Main office
120 West Mission Street
San Jose CA 95110

Dwight Wynn

Feb 12, 08

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RICHARD W. WEIKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO CA 94102

United States District Court
for the
District of California
456 Geary
Box 3606
San Fran-

